UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DALMATIA IMPORT GROUP, INC., Plaintiff, v. FOODMATCH, INC., *et al*. Defendants.	Case No. 16-CV-0933

DALMATIA'S MOTION FOR (1) PRELIMINARY INJUNCTION AGAINST FOODMATCH, INC AND LANCASTER FINE FOODS, INC. FOR TRADEMARK COUNTERFEITING AND TRADEMARK INFRINGEMENT AND (2) EXPEDITED DISCOVERY

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiff Dalmatia Import Group, Inc. ("Dalmatia") respectfully moves this Court to preliminarily enjoin Defendants FoodMatch, Inc. ("FoodMatch") and Lancaster Fine Foods, Inc. ("Lancaster") from selling unauthorized counterfeits of Plaintiff's DALMATIA products, to seize the counterfeit goods and means of counterfeiting in Defendants' possession or order Defendants to immediately deliver up those counterfeit goods and means of counterfeiting to the Court, and to recall the counterfeit products that are currently flooding the market. Dalmatia recently learned that Lancaster sold batches of DALMATIA-branded product that Dalmatia *explicitly rejected for quality control problems* directly to Dalmatia's distributor FoodMatch, who then sold the products to Dalmatia's retail customers in Dalmatia's packaging. FoodMatch knew that these batches of product were unauthorized. These actions constitute counterfeiting and are irreparably harming the goodwill and reputation of the DALMATIA brand. Dalmatia seeks to stop Defendants' counterfeiting, and to seize, or have Defendants immediately deliver up to the Court, any counterfeit goods and the means of counterfeiting, and to recall the counterfeit goods that have flooded the market.

Dalmatia also seeks to take expedited discovery to identify additional counterfeit product manufactured and sold by Defendants upon issuance of the preliminary injunction order. Dalmatia's Motion is supported by the Memorandum of Law, Declarations of Maia Magee, Jazmine Sanlley, and Robert C. Stevens and exhibits attached hereto. A proposed order is also submitted.

March 25, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 25, 2016, the foregoing document was filed using the CM/ECF system, which will cause a copy to be electronically served on all counsel of record.

Additionally, the foregoing was served by email on counsel for the parties as follows:

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